

COMMON COUNCIL PROCEEDINGS
October 15, 2013

The meeting was called to order at 5:33 PM by Councilman Michalski followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala.

Excused: Councilwoman-at-Large Kiyak.

Councilman Michalski advised a motion was needed to appoint him as Acting Councilman-at-Large.

Councilman Rivera made a motion. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Also present: Mayor Dolce, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Absent: City Attorney Szot and Public Works Director Gugino.

Certification of October 1, 2013 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, October 1, 2013 be dispensed with.

Motion by Councilman Gonzalez to accept the minutes as presented. Seconded by Councilman Rivera.

Carried, all voting aye.

PUBLIC COMMENTS:

Jeff Gambino, 5630 West Lake Road, Fredonia, New York advised that he was open to Common Council questions in regards to Resolution #77-2013 - Approval of Site Plan (Chadwick Bay Marina).

Councilwoman Szukala asked Mr. Gambino for a timetable/schedule for demolition, construction and completion for his project.

Mr. Gambino advised that he is anticipating demolition to be complete within 30 days, construction to start shortly after while hopefully working through winter, and a projected completion date of Spring 2015.

Councilman Gonzalez inquired as to what the outside of the building will look like.

Mr. Gambino replied that the project will match the existing Boardwalk Market and “the idea is to make both buildings look as if they were built at the same time”.

Building Inspector Zurawski advised that the architect's plans are available in his office to be viewed.

Councilman Rivera thanked Mr. Gambino for answering the Council's questions and expressed excitement for the project's starting date and subsequent completion.

Councilman Gonzalez asked Mr. Gambino how many employees he expects to have.

Mr. Gambino advised he is expecting 25-30 people would be employed but "depending how it goes, I hope we need 50".

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce's 2014 Proposed Budget Message as follows:

2014 BUDGET MESSAGE

To: City of Dunkirk Common Council and to the City's Residents and Taxpayers

It is my distinct honor as mayor to present you with the City of Dunkirk's *Fiscal Year 2014 Budget*.

Like homeowners, businesses and other municipalities, the City has faced and continues to face many serious financial challenges. The *2014 Budget* is the result of two years of hard work in taking a realistic approach to the City's needs, balanced with an awareness of the fiscal realities.

I want to sincerely thank all of the employees and Department Heads who contributed their time and effort to assist in the development of the *2014 Proposed Budget*, and who have worked so tirelessly in the recent past to constrain unnecessary spending.

As usual, difficult decisions have been made in realistically managing the City's resources as efficiently and effectively as possible.

This spending plan will be our guideline moving forward and one that we will all need to work within to provide the greatest value to City taxpayers and ratepayers.

Fund 1

The NYS Retirement System, Social Security and Workers' Compensation obligations have relatively minor fluctuations from 2013 to

the required 2014 levels; and, therefore did not have a significant, detrimental impact on the budget.

Revenue remained relatively consistent from 2013 to 2014.

Reduced spending to the tune of nearly \$100,000 (2013 adjusted budget to the proposed 2014 budget) translating to a variance of less than 1%.

These factors have allowed for an increased contingency allotment, as well as the planned purchase of two large-scale, but necessary, pieces of DPW equipment.

Fund 2 (Water)

The 2nd tier of the scheduled rate increase to residential minimums will take place to meet consent order debt service.

The 1st tier of the rate increase generated \$280,000 in revenue to meet said debt service.

The Administration Fee has been increased from \$250,000 to \$300,000 to more accurately reflect personnel time and materials that are not accounted for in that respective fund.

Spending reduced approximately \$31,000, translating to a less than 1% variance.

Lastly, the contingency allocation has been doubled, allowing for more repairs to take place outside of consent order scope.

Fund 3 (Wastewater)

Declining industrial and other revenue throughout Fund 3 has resulted in a \$383,000 decline.

Fortunately, we are retiring a 1992 EFC financing debt that accounted for \$340,000 of 2013 budget.

The Administration Fee has been increased from \$250,000 to \$300,000 to more accurately reflect personnel time and materials that are not accounted for in that respective fund.

Spending decreased over \$434,000 totaling a variance of approximately 11%.

Proposed increases to contingency allotment and capital projects are subject to long-term objectives of Wastewater Plant. We will be exploring options in the next few weeks.

Highlights:

This proposal follows 2012 Auditor's Report listing the City in the black to the tune of over \$600,000 across all three funds. Everyone involved deserves credit for sticking to necessities.

Upgrade to our KVS accounting software, made for a more efficient budget preparation process. You will notice a new layout and less paper for at least the proposed budget. We will not be printing as many copies either in favor of online review at dunkirktoday.com.

For 2014:

Decreased spending totaling over \$550,000 across all 3 funds.

One Multipurpose Sterling with Plow. (main component in removal of snow, brush, leaves; multiple uses)

One Packer—garbage and recycling needs.

Cultural allotments remain steady for first time in years.

Study of Fire Halls will be performed in 2014; construction may also begin.

Seawall/Bike Path Phase III construction will begin.

Continued upgrades to water filter plant.

Projected amount of \$700,000 in CHIPS fund to continue to street repairs/improvement (in conjunction with HUD funds that amount will total close to 1 million).

As previously mentioned there is a possibility to begin significant upgrades at Wastewater plant under Article 9 Energy Law. We will begin those discussions in short order.

Lastly, and most importantly the 2014 proposed budget reflects a...

0% tax increase

Special thanks to Richard Halas and Mark Woods for their time and efforts in compiling and devising the 2014 Mayor's budget.

Thank you.

Sincerely,

Anthony J. Dolce
Mayor

Copies of the Fiscal Year 2014 Budget are available in the Dunkirk City Clerk's Office, Dunkirk Free Library or on-line at the City's website www.dunkirktoday.com.

**2014 Proposed Budget
City of Dunkirk
Summary of Estimated Revenues, Appropriations, and
Real Property Taxes**

TOTALS BY FUND:	REVENUES	APPROPRIATIONS
GENERAL	\$ 15,241,260.00	\$ 15,241,260.00
WATER	\$ 3,094,544.00	\$ 3,094,544.00
WASTEWATER	\$ 3,632,043.00	\$ 3,632,043.00
GRAND TOTAL:	\$ 21,967,847.00	\$ 21,967,847.00
REAL PROPERTY TAXES:	\$ 4,837,477.00	
TOTAL ASSESSED VALUE	\$ 279,596,568.00	
TAX RATE/\$1,000 OF ASSESSED VALUATION	\$ 17.301632	

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Chautauqua Works and Dunkirk High School Career Club to host a beach cleanup from 3:00-4:00PM on Tuesday October 29th.

Councilwoman Szukala inquired if the proper insurance has been received for this event.

Mayor Dolce advised that this petition would be approved contingent on proof of insurance prior to the event and that City Clerk Joiner will receive and forward on appropriate insurance to City Attorney Szot for review.

Acting Councilman-at-large Michalski advised a motion was needed to approve and refer to DPW, Police, and Law Departments, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured.

Councilwoman Szukala motioned to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Notice of claim from Dianne Brooks for damages allegedly sustained to her vehicle from a City garbage truck.

Acting Councilman-at-Large Michalski advised a motion was needed to refer to the Law Department.

Councilman Gonzalez moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Rivera advised that tonight's Common Council Meeting will be televised on the Cable Access channel at 12:30PM Thursday, October 17th.

Councilman Rivera wished Mr. Gambino good luck with the Chadwick Bay Project and congratulated Mayor Dolce and staff on putting the budget together.

Councilman Gonzalez thanked Mayor Dolce for the 0% increase in taxes and advised that the next Public Works Meeting will be held on November 18th, at 3:00PM in the Mayor's Conference Room.

Councilwoman Szukala advised the next Public Safety Meeting will be held on Monday, October 28th at 2:00PM in the Mayor's Conference Room.

Councilwoman Szukala inquired to Director of Development Neratko about the status of a Festival's sign that is still on display along Route 39 in Forestville.

Director of Development Neratko advised that he will check into this.

Councilwoman Szukala asked Mayor Dolce for an update on the street paving project in the absence of Public Works Director Gugino.

Mayor Dolce advised that the process was completed as of today and that he is “very excited for how it turned out”.

Councilwoman Szukala asked Police Chief Ortolano when the winter parking changes would be going into effect.

Police Chief Ortolano advised that the first Sunday in November, parking will go from weekly to daily along with the overnight ban. Police Chief Ortolano also advised parents to please discuss safety and stranger danger to children in preparation for Halloween and that press releases will be issued for all of the above as a reminder.

Acting Councilman-at-Large Michalski expressed his disappointment with the recent Chadwick Bay Group meeting Council attended.

Acting Councilman-at-Large Michaski advised that the next Finance Meeting is October 21st at 4:15PM and the Council will start reviewing the Mayor’s proposed budget Friday, November 1st at 9:00AM.

UNFINISHED BUSINESS:

RESOLUTION #72-2013

OCTOBER 1, 2013

BY: ENTIRE COUNCIL

**AUTHORIZING COPIER LEASE AGREEMENT
(Clerk’s Office)**

WHEREAS, the City Clerk’s Office is in need for a copier that includes high-volume scanning capabilities in order to provide for more efficient document storage and recovery; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute any and all necessary documents for a sixty-three (63) month lease agreement with Toshiba Business Solutions, 6000 North Bailey Ave., Suite 1F, Amherst, New York 14226, for an office copier at a monthly payment of \$336.86; and, be it finally

RESOLVED, that funds for such lease be allocated from

Account #001-1670-4150 (Central Copying and Mailing)

Acting Councilman-at-Large Michalski advised that since no one would remove this Resolution it will now die on the table.

PRE-FILED RESOLUTIONS:

RESOLUTION #73-2013
OCTOBER 15, 2013

BY: THE ENTIRE COUNCIL

AUTHORIZING CHANGE ORDER – HOT IN PLACE PAVING PROJECT (2013)
(Highway Rehabilitation Corp.)

WHEREAS, by Resolution No. 69-2013, the 2013 Hot-In-Place Paving Project was authorized with Highway Rehabilitation Corp.; and

WHEREAS, the engineers providing assistance to the City's Department of Public Works, Nussbaumer & Clarke, Inc., have requested a proposed amendment ("Amendment No. 1") to modify within the project's scope the particular schedule of streets to be included in the 2013 project in order to provide for more efficient set-up and paving of the streets to be rehabilitated; and

WHEREAS, the estimated cost of such change order is \$30,000.00; and

WHEREAS, the proposed change order Number 1 has been reviewed and recommended by the Director of Public Works; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements to approve Amendment No. 1 for the "Hot In Place Paving Project (2013)" to provide an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00) to **Highway Rehabilitation Corp.**, 2258 Route 22, Brewster, New York 10509, with such funds to be taken from Account No. 001-5110-4055 (CHIPs Street Program).

Acting Councilman-at-Large Michalski asked Mayor Dolce if another layer will be added to what was just put down on the selected streets and who was inspecting the work.

Mayor Dolce advised that an additional ½ to ¾'s of an inch overlay will be added to those streets next year along with the other selected streets in the Hot-In-Place Paving Project and that Nussbaumer & Clarke will be starting to inspect the finished project. He then advised Council that the final numbers will be below the \$30,000 additional this Resolution is authorizing.

Carried, all voting aye.

RESOLUTION #74-2013
OCTOBER 15, 2013

BY: ENTIRE COUNCIL

AUTHORIZING BUDGET LINE MODIFICATIONS (FY2013)
(CHIPS Program)

WHEREAS, there is a need to make timely adjustments to the 2013 Fiscal Year to address modifications in certain line items in order to accommodate an increased allocation of State funds; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect certain line items in the 2013 Fiscal Year Budget:

GENERAL FUND

Revenue

State Aid CHIPS Highway	001-0001-3501	Increase \$66,651
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Appropriation

CHIPS Street Program	001-5110-4055	Increase \$66,651
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Acting Councilman-at-Large Michalski inquired to the purpose of the budget-line transfer.

Mayor Dolce advised that the state had increased the CHIPS allotment for the year.

Fiscal Affairs Officer Halas advised that this money was allotted at the beginning of the year and that this is the budget modification/Resolution approving the funds.

Carried, all voting aye.

RESOLUTION #75-2013
OCTOBER 15, 2012

BY THE ENTIRE COUNCIL:

**AUTHORIZING BID ACCEPTANCE – ASBESTOS REMOVAL
(79 West Doughty Street (79.20-8-74))**

WHEREAS, by Resolution No. 27-2013, the Building Inspector was directed to inspect the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), and to report the results of such inspection to this Common Council in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 34-2013, the Building Inspector was directed to service a notice to repair or remove upon the owner and all other persons having an interest in the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), either personally or by registered mail, addressed to his/their last known address(es) as such appears on the current tax roll of the City of Dunkirk, in compliance with the

conditions of Chapter 18 of the City of Dunkirk Code; and, the Building Inspector was further directed to report his determination and recommendation within five (5) days of any hearing held in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 52-2013, the Building Inspector was directed to take all appropriate steps and procedures as directed by Chapter 18 of the Dunkirk City Code, to repair or remove the building or structure at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), in that such is a danger to the health, safety or welfare of the public and should be repaired or removed; and

WHEREAS, sealed bids for asbestos removal were opened and read aloud in the Dunkirk City Clerk's Office at 3:00 p.m. on October 9, 2013, with five (5) bids being received for asbestos removal; and

WHEREAS, such bids have been reviewed by the Building Inspector; now, therefore, be it

RESOLVED, that the lowest responsible bid of **B IMPRESSED, 9645 Prospect Road, Forestville, New York 14062**, in the amount of Six Thousand Two Hundred Twenty-Four Dollars and Zero Cents (\$6,224.00) be accepted for asbestos removal at 79 West Doughty Street, Dunkirk, New York; and, be it further

RESOLVED, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, for such asbestos removal; and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits of the bidders in accordance with the contract specifications.

Councilman Michalski inquired to Building/Zoning Inspector Zurawski as to what line this falls under in regards to the budget.

Building/Zoning Inspector Zurawski advised that this Resolution falls under Contracted Services.

Councilman Rivera asked Building/Zoning Inspector Zurawski why there was such a difference as to the cost of this compared to previous projects.

Building/Zoning Inspector Zurawski advised that it all depends on the volume of asbestos and the location inside the structure.

Carried, all voting aye.

RESOLUTION #76-2013
OCTOBER 15, 2012

BY THE ENTIRE COUNCIL:

AUTHORIZING BID ACCEPTANCE – DEMOLITION
(128 Lincoln Avenue (79.19-3-55))

WHEREAS, by Resolution No. 28-2013, the Building Inspector was directed to inspect the building or structure situate at premises designated as 128 Lincoln Avenue, Dunkirk, NY 14048 (79.19-3-35), and to report the results of such inspection to this Common Council, in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 35-2013, the Building Inspector was directed to service a notice to repair or remove upon the owner and all other persons having an interest in the building or structure, situate at premises designated as 128 Lincoln Avenue, Dunkirk, NY 14048 (79.19-3-35), either personally or by registered mail, addressed to his/their last known address(es) as such appears on the current tax roll of the City of Dunkirk, in compliance with the conditions of Chapter 18 of the City of Dunkirk Code; and, the Building Inspector was further directed to report his determination and recommendation within five (5) days of any hearing held in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 51-2013, the Building Inspector was directed to take all appropriate steps and procedures, as directed by Chapter 18 of the Dunkirk City Code, to repair or remove the building or structure at premises designated as 128 Lincoln Avenue Dunkirk, NY 14048 (79.19-3-35), in that such is a danger to the health, safety or welfare of the public and should be repaired or removed; and

WHEREAS, sealed bids for demolition were opened and read aloud in the Dunkirk City Clerk's Office at 3:00 p.m. on October 9, 2013, with two (2) bids being received for demolition; and

WHEREAS, such bids have been reviewed by the Building Inspector; now, therefore, be it

RESOLVED, that the lowest responsible bid of **SALL-TEE and Sons, 34 Kosciuszko Avenue, Dunkirk, New York 14048**, in the amount of Five Thousand Nine Hundred Seventy-Five Dollars and Zero Cents (\$5,975.00) be accepted for demolition of 128 Lincoln Avenue, Dunkirk, New York; and, be it further

RESOLVED, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, for such demolition services; and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits of the bidders in accordance with the contract specifications.

Carried, all voting aye.

RESOLUTION #77-2013
OCTOBER 15, 2013

BY THE ENTIRE COUNCIL:

APPROVAL OF SITE PLAN (Chadwick Bay Marina)

WHEREAS, an application for a building permit for permission to renovate building and construct an addition at the marina, 30 Central Avenue, Dunkirk, New York 14048, has been submitted by Chadwick Bay Marina Holdings, Inc., d/b/a JSG Marina Holdings, LLC (“Chadwick Bay”); and

WHEREAS, such application has been referred by the Housing, Building and Zoning Enforcement Officer to the required Boards, Departments and Agencies for review, comment and recommendation, including the Greater Dunkirk Area Harbor Commission (“Harbor Commission”) and the Dunkirk Planning Board (“Planning Board”); and

WHEREAS, the Harbor Commission has recommended approval of the application, and the Planning Board has recommended approval of the application with conditions/stipulations; and

WHEREAS, the Dunkirk City Code, Section 79-28020(2), authorizes the Common Council to review the site plans submitted, has followed the procedure outlined in Dunkirk City Code Chapter 79, Article XVII (Site Plan Review) and has fully investigated all of the facts and circumstances regarding such application; now, therefore be it

RESOLVED, that this Common Council determines and finds that:

1. A proper application for a building/use permit has been made by Mr. Jeffrey Gambino, on behalf of Chadwick Bay;
2. All interested Boards, Departments and Officials have been notified pursuant to Local Law, for their comments and review of this application;
3. The Planning Board, on October 9, 2013, approved the submitted and reviewed site plan (4-0 with one member absent), with the following conditions/stipulations:

- a. detailed final landscaping plan must be submitted to and approved by the Planning Board prior to implementation;
 - b. any signage proposed to be utilized, must be submitted to and approved by the Planning Board prior to fabrication and installation; and
 - c. should any significant changes be proposed in the building configuration (as per submissions by the applicant on/before October 9, 2013), the Planning Board must be provided an opportunity to review and to approve (as appropriate);
4. All comments from such interested parties have been received, or such parties have waived their right of review and comment under local law;
 5. The applicant established that the approval of this special permit will be in harmony with the general purpose of this chapter, will not be injurious to the neighborhood and will not alter the essential character of the locality;
 6. The building/use permit will promote the health, safety and welfare of the residents of the City of Dunkirk, and, be it further

RESOLVED, that the submitted and reviewed site plan is approved.

Carried, all voting aye.

Councilwoman Szukala motioned to go into an Executive Session to discuss collective negotiations pursuant to article fourteen of the civil service law; it is expected that no business will be taken after the Executive Session concludes. Seconded by Councilman Rivera.

Carried, all voting aye.

Executive Session called to order at 6:15 PM.

Councilwoman Szukala moved to adjourn the Executive Session at 6:28 PM and reconvene to the regular Council Meeting. Seconded by Councilman Rivera.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:29 PM

Nicole Joiner, City Clerk
